

Docket No.: 061355-0046

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
Shunsuke HIJIKATA	:	Confirmation Number: 9940
Serial No.: 10/656,173	:	Group Art Unit: 3663
Filed: September 08, 2003	:	Examiner: Tuan C. To
For: DRIVING ASSIST SYSTEM FOR VEHICLE	:	

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Noting the Office Action of February 8, 2007 wherein restriction has been required, Applicant hereby elects Group I (claims 1-15, 19 and 21) for prosecution in the above-identified application, with traverse.

According to the Examiner's construction, this application includes two groups of claims: Group I (claims 1-15, 19 and 21) purportedly directed to apparatus, and Group II (claim 22) allegedly pertaining to a method. The Office Action contended that a restriction is required because "the apparatus as claimed can be used to practice a process of controlling the stability of a vehicle when the vehicle changes lanes." See item 3 of the Office Action.

However, it is noted that the descriptions of claim 22 are substantially parallel to those of apparatus claim 1, and that both claims 1 and 22 are directed to **a driving assist system or method**. Apparently, the language of "a driving assist method" described in claim 22 also covers the alleged "process of controlling the stability of a vehicle when the vehicle changes

lanes,” which the Office Action argued to be performed by the apparatus claims. There is no language in claim 22 suggested otherwise that a process of claim 22 would not cover “a process of controlling the stability of a vehicle when the vehicle changes lanes.” Therefore, the apparatus claims and method claim are not distinct. Claims 1-15, 19, 21 and 22 should be examined together. The restriction requirement is respectfully traversed.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read 'Wei-Chen Chen', is written over the printed name.

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